



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: C56

Category: Asbestos
EPA Office: Region 5
Date: 10/26/1988
Title: Determination of More Than 1 Percent Asbestos
Recipient: Silver, Amy E.
Author: Varner, Bruce A.

Subparts: Part 61, M, Asbestos

References: 61.141

Abstract:

If a valid analysis of one sample or one sub-sample by one laboratory shows that more than 1 percent asbestos is present, then the entire homogeneous sampling area would be considered friable asbestos material subject to the asbestos NESHAP, regardless of the number of samples and/or laboratories which show that less than 1 percent asbestos is present. Homogenous area is defined. EPA may take court action to stop demolition if necessary.

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

Oct 26 1988

Amy E. Silver
Enforcement Manager
Air Pollution Control Division
City of Indianapolis
2700 South Belmont
Indianapolis, Indiana 46221

Re: Demolition for Circle Centre Mall

Dear Ms. Silver:

Thank you for your September 26, 1988, letter which asks how an individual determines if a friable material contains more than 1 percent asbestos by weight and meets the definition of "friable asbestos material" in the asbestos National Emission Standard for Hazardous Air Pollutants 40 CFR Part 61, Subpart M. This issue has arisen in the planned demolition for the Circle Centre Mall in Indianapolis because plaster samples were broken up into sub-samples and submitted to five laboratories, two of which reported less than 1 percent asbestos and three of which reported more than 1 percent.

In your letter you point out that a United States Environmental Protection Agency (U.S. EPA) guidance document and the U.S. EPA schools regulation state that if one or more samples from a homogeneous sampling area has more than 1 percent asbestos, then treat the sampling area as if it contains asbestos. A homogeneous sampling area contains material that is uniform in texture and appearance, was installed at one time, and is unlikely to consist of more than one type, or formulation, of asbestos.

It is U.S. EPA policy that this same criteria should be used to determine if a friable material contains more than 1 percent asbestos by weight and thus meets the definition of "friable asbestos material" in the asbestos NESHAP. Hence, if a valid analysis of one sample or one subsample by one laboratory shows that more than 1 percent asbestos is present, then the entire homogeneous sampling area would be considered friable asbestos material subject to the asbestos NESHAP, regardless of the number of samples and/or laboratories which show that less than 1 percent asbestos is present.

In an October 19, 1988, telephone conversation, you asked what action U.S. EPA could take to prevent the demolition of a facility containing friable asbestos material. Once it is clear that the facility will be demolished without first removing the friable asbestos material, U.S. EPA has the authority to seek injunctive relief under Section 113(b) of the Clean Air Act 42 U.S.C. Section 7413(b) to prevent the demolition from occurring.

If you have any questions on this matter, you may contact me at (312) 886-6793, or Suzanne Glade, Assistant Regional Counsel, at (312) 886-0555.

Sincerely yours,

Bruce A. Varner
NESHAP Coordinator
Air Compliance Branch (5AC-26)

cc: Frank Profit
Office of Air Management
Indiana Department of Environmental Management